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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Thomas Thompson
92-543 Kokole Place
Makakico, HI 96707

In re Application of
Thomas Thompson
Application No. 09/396,128
Filed: September 14, 1999
For: HURRICANE-EARTHQUAKE
FRIEZE PLATE

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in response to applicant's petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO), on April 7, 2003.

The petition is **DISMISSED**.

A review of the file records reveals that the application was held abandoned for failure to timely file a proper reply to the Office action mailed on June 26, 2002.

Applicant argues that a response to the June 26, 2002 Office action was mailed on October 26, 2002 and lost by the Office. A further review of the file records reveals that that response was received on November 4, 2002. However, the response was not entered since applicant failed to remit the \$114 fee required for the eight claims in excess of the twenty previously paid for and for the fourth independent claim. A Notice to that effect was mailed on November 21, 2002 wherein applicant was given the remainder of the set period for response, or one month from the date of the Notice, whichever is longer, within which to remit the fee. A response was filed on February 5, 2003. However, that response was received after the expiration of the period for reply. Furthermore, the required fee was not included with the response. Accordingly, the application was held to be abandoned, and a Notice to that effect was mailed on March 12, 2003.

Since applicant failed to remit the required fee within the time period for response, the application was properly held abandoned.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."

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KJD/tpl: 7/9/03